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May 3, 2004

**MEMORANDUM TO: CHIEF JUDGES, UNITED STATES COURTS  
CLERKS, UNITED STATES COURTS**

**SUBJECT: Amendment to Preamble to Miscellaneous Fee Schedules  
(INFORMATION)**

On March 16, 2004, the Judicial Conference approved an amendment to the preamble to the various Miscellaneous Fee Schedules, promulgated under 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932, which apply to, respectively, the Courts of Appeals, the District Courts, the Court of Federal Claims, the Bankruptcy Courts and the Judicial Panel on Multidistrict Litigation. Common to all fee schedules is the preamble, which sets forth the parameters of the schedules. The Judicial Conference has approved an amendment to the preamble to clarify that fees are to be charged for all services provided by the court, including those for which the initial task is performed by others utilizing the court's electronic systems to perform a case-related task, as well as for those performed by court employees.

This revision was necessitated by the rapid development of emerging technology in the federal courts. Currently, the preamble for each of the fee schedules provides that the miscellaneous fees are charged for "services to be performed by clerks of ...court<sup>1</sup>." With the advent of electronic filing, some of the initial tasks are now completed by the filing parties utilizing the technology provided by the courts through its CM/ECF system. Because court staff still performs essential tasks relating to filing – such as maintenance of the CM/ECF system and equipment, quality control, case management functions and case adjudication activities – the Judicial Conference approved an amendment to the preambles to reflect that the fees charged are for the totality of services provided by the court, including those provided through the court's electronic systems.

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<sup>1</sup>Each individual preamble refers to services performed by clerks of the relevant court, e.g., the appellate court schedule refers to "clerks of the courts of appeals," etc.

The preambles have been amended to remove reference to services “to be performed by clerks of the ... court.” As amended, the language will state:

Following are fees to be charged for services provided by the [appropriate] court.

Revised fee schedules reflecting this amendment are attached to this memorandum. Any questions on the amendment should be directed to Mary Fritsche or Mary Louise Mitterhoff, Attorney Advisors, Bankruptcy Court Administration Division, (202)502-1540.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with the first name "Leonidas" being more prominent and the last name "Mecham" following in a similar style.

Leonidas Ralph Mecham

cc: District Court Executives

Court of Appeals Miscellaneous Fee Schedule\*

Following are fees to be charged for services provided by the courts of appeals. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4 and 5. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For docketing a case on appeal or review, or docketing any other proceeding, \$250. A separate fee shall be paid by each party filing a notice of appeal in the district court, but parties filing a joint notice of appeal in the district court are required to pay only one fee. A docketing fee shall not be charged for the docketing of an application for the allowance of an interlocutory appeal under 28 U.S.C. § 1292(b), unless the appeal is allowed.
- (2) For every search of the records of the court and certifying the results thereof, \$26. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (3) For certifying any document or paper, whether the certification is made directly on the document, or by separate instrument, \$9.
- (4) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (5) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States if the reproduction of the recording is available electronically.
- (6) For reproduction of the record in any appeal in which the requirement of an appendix is dispensed with by any court of appeals pursuant to Rule 30(f), F.R.A.P., a flat fee of \$71.
- (7) For each microfiche or microfilm copy of any court record, where available, \$5.
- (8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.

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\*Issued in accordance with 28 U.S.C. § 1913.

- (9) For a check paid into the court which is returned for lack of funds, \$45.
- (10) Fees to be charged and collected for copies of opinions shall be fixed, from time to time, by each court, commensurate with the cost of printing.
- (11) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (13) Upon the filing of any separate or joint notice of appeal or application for appeal from the Bankruptcy Appellate Panel, or notice of the allowance of an appeal from the Bankruptcy Appellate Panel, or of a writ of certiorari, \$5 shall be paid by the appellant or petitioner.
- (14) The court may charge and collect a fee of \$200 per remote location for counsel's requested use of videoconferencing equipment in connection with each oral argument.

District Court Miscellaneous Fee Schedule<sup>2</sup>

Following are fees to be charged for services provided by the district courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4 and 5. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For filing or indexing any document not in a case or proceeding for which a filing fee has been paid, \$39.
- (2) For every search of the records of the district court conducted by the clerk of the district court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (3) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9. For exemplification of any document or paper, twice the amount of the fee for certification.
- (4) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (5) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.
- (6) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$5.
- (7) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.
- (8) For a check paid into the court which is returned for lack of funds, \$45.
- (9) For an appeal to a district judge from a judgment of conviction by a magistrate in a misdemeanor case, \$32.

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<sup>2</sup>Issued in accordance with 28 U.S.C. § 1914.

- (10) For original admission of attorneys to practice, \$150 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$15.
- (11) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (13) For filing an action brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, 110 Stat. § 785 (1996), \$5,431. (This fee is in addition to the filing fee prescribed in 28 U.S.C. 1914(a) for instituting any civil action other than a writ of habeas corpus.)

United States Court of Federal Claims Fee Schedule\*

Following are fees to be charged for services provided by the United States Court of Federal Claims. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2 and 8. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For filing a civil action or proceeding, \$150.
- (2) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (a) original documents; or (b) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (3) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9. For exemplification of any document or paper, twice the amount of the charge for certification.
- (4) For admission of attorneys to practice, \$50 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$15.
- (5) For receipt of a monthly listing of court orders and opinions, \$19 per year.
- (6) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (7) For a check paid into the court which is returned for lack of funds, \$45.
- (8) For every search of the records of the Court of Federal Claims conducted by the clerk of the court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

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\*Issued in accordance with 28 U.S.C. § 1926(a).

Bankruptcy Court Miscellaneous Fee Schedule\*

Following are fees to be charged for services provided by the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 3, and 5, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9. For exemplification of any document or paper, twice the amount of the charge for certification.
- (3) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.
- (4) For amendments to a debtor's schedules of creditors, lists of creditors, matrix, or mailing lists, \$26 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case. No fee is required when the nature of the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules or to add the name and address of an attorney for a listed creditor.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

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\*Issued in accordance with 28 U.S.C. § 1930(b).



- (6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (7) For filing or indexing any document not in a case or proceeding for which a filing fee has been paid, \$39.
- (8) In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$39. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (9) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).
- (10) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee shall be waived if no additional assets are discovered.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$5.
- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.

- (14) For a check paid into the court which is returned for lack of funds, \$45.
- (15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee. If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized.
- (16) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, the fee shall be the same amount as the fee for a case commenced under chapter 11 of title 11 as required by 28 U.S.C. § 1930(a)(3).
- (17) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (18) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (19) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to the current filing fee for the chapter under which the joint case was commenced.
- (20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. No fee is required for a motion for relief from the co-debtor stay or for a stipulation for court approval of an agreement for relief from a stay. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (21) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized.

Judicial Panel on Multidistrict Litigation Fee Schedule\*

Following are fees to be charged for services provided by the Judicial Panel on Multidistrict Litigation. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1 and 3. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For every search of the records of the court conducted by the clerk of the court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9.
- (3) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (4) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.
- (5) For a check paid into the Panel which is returned for lack of funds, \$45.

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\*Issued in accordance with 28 U.S.C. § 1932.